

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
HARRISONBURG DIVISION**

UNITED STATES OF AMERICA, )  
v. ) Case No. 5:15cr00001  
ESTEVAN ORTIZ-NARVAEZ, )  
Defendant. )  
By: Michael F. Urbanski  
United States District Judge

**ORDER**

The court referred this case to United States Magistrate Judge James G. Welsh for conduct of a plea hearing and plea colloquy under Rule 11 of the Federal Rules of Criminal Procedure pursuant to 28 U.S.C. § 636(b)(3). The magistrate judge filed a report and recommendation on March 3, 2015 recommending that defendant's plea of guilty to Count One of the Indictment be accepted. The defendant's plea of guilty was not based on any plea agreement or other understanding. No objections were filed by either party to the report and recommendation.

The court has reviewed the report and recommendation and concludes that the defendant Estevan Ortiz-Narvaez is fully competent and capable of entering an informed guilty plea, and that his plea of guilty to the violation of 8 U.S.C. § 1326(a) charged in Count One of the Indictment is knowing, voluntary and supported by an independent basis in fact as to the elements of the 8 U.S.C. § 1326(a) violation.

The court makes no finding as to the increased penalty set forth in 8 U.S.C. § 1326(b)(1) and charged in the indictment. The issue of the application of this penalty provision will be addressed at sentencing.

Accordingly, the Report and Recommendation is **ADOPTED** as regards the plea of guilty to the violation of 8 U.S.C. § 1326(a), and defendant is **ADJUDGED GUILTY** of that offense.

The application, if any, of 8 U.S.C. § 1326(b)(1) is **TAKEN UNDER ADVISEMENT** until sentencing.

It is so **ORDERED**.

Entered: April 2, 2015

*/s/ Michael F. Urbanski*

Michael F. Urbanski  
United States District Judge